

Appl. No. 10/691,216  
Amdt. dated April 28, 2008  
Reply to Office Action of January 28, 2008

### Remarks

The present amendment responds to the Official Action dated January 28, 2008. The Official Action rejected claims 1-10 and 12-20 under 35 U.S.C. 102(e) based on Auer et al. U.S. Patent Publication No. 2003/0191946 (Auer).

This ground of rejection is addressed below. Claim 11 has been previously canceled without prejudice. Claims 1, 9, 10, 13, and 16 have been amended to be more clear and distinct. Claims 1-10 and 12-20 are presently pending.

### The Art Rejections

All of the art rejections hinge on the application of Auer standing alone. As addressed in greater detail below, Auer does not support the Official Action's reading of it and the rejections based thereupon should be reconsidered and withdrawn. Further, the Applicants do not acquiesce in the analysis of Auer made by the Official Action and respectfully traverse the Official Action's analysis underlying its rejections.

The Official Action rejected claims 1-10 and 11-20 under 35 U.S.C. 102(e) as unpatentable over Auer. In light of the present amendments to the claims, this ground of rejection is respectfully traversed.

Claim 1, as amended, addresses, inter alia, means for storing software and/or data that is to be made available to predetermined licensed client nodes. Each client node is a data processing device for which access to specified software or data may be allowed if licensed, and for storing a list of identifiers for licensed client nodes. Each identifier uniquely identifies one of the predetermined nodes. The presence of each identifier on the list authorizes the predetermined

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client node associated with the identifier to be allowed access to the software and/or data. Claim 1 further addresses a client application at each client node. the client application performs authentication taking place at the client node. Authentication being accomplished by comparing the client identifier for the node against the list and allowing or rejecting access to the software and/or data by the client node at which the client application resides based on evaluation by the client application at the client node as to whether the identifier of the client node appears in the list. The limitations of claim 1 in the claimed combination are not taught and are not made obvious by Auer. Auer addresses systems and techniques for secure authentication of licensed software, with the authentication being able to be performed over an insecure medium such as the Internet. A client node, and the content to be used at the client node, are uniquely identified to a server, which examines a database of access rights for the content. If the user is authorized access to the content, the server provides suitable authorization, such as an access code, to the client. The client is then able to use the content. In one embodiment of Auer, the server is not consulted at each launch or installation. In this embodiment, on the first launch, the controller generates a suitable authorization packet that is recorded by the client. On subsequent launches, the authorization packet is used to authorize access to the content.

Auer does not allow or reject access to content based on a comparison taking place at the node of a unique identifier for a node against a list of unique identifiers, as is claimed by claim 1, as amended. Auer teaches the use of authorization information, such as a packet or code, that is specifically directed to or prepared for a client by a server. Authentication takes place at the server, with the client depending on an authenticator either communicated to the client by the

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server at launch, or previously communicated by the server to the client and examined at launch.

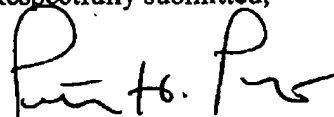
The present invention, by contrast, simply examines a previously prepared list of authorized nodes, with the examination of the list and the comparison of the node's identifier against the list, taking place at the node. Such a procedure allows for a simpler authorization than that of Auer, without requiring access by the client to the server that authorizes access. Claim 1, as amended, therefore defines over the cited art and should be allowed.

Claims 9, 10, 13, and 16, similarly address comparison of an identifier of a node or data processing device against a list of identifiers, with the comparison taking place at the node or data processing device, and therefore define over the cited art on the same basis as does claim 1.

#### Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



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